

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

U.S. SMALL BUSINESS  
ADMINISTRATION, as Receiver for  
PROSPERO VENTURES, LP. ,

No. C 07-3741 VRW

**ORDER OF DISMISSAL**

Plaintiff,


v.

DONALD K EMERY,

Defendant.

Having advised the court that the parties have agreed to a settlement of this case;  
IT IS HEREBY ORDERED that this cause of action be dismissed with prejudice, provided,  
however, that if any party hereto shall certify to this court, within ninety days, with proof of service  
of a copy thereof, that the agreed consideration for said settlement has not been delivered over, the  
foregoing order shall stand vacated and this cause shall forthwith be restored to the calendar to be  
set for trial.

Dated: March 31, 2009

  
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VAUGHN R WALKER  
UNITED STATES DISTRICT CHIEF JUDGE